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Introduction

1. The Republic of Bulgaria is situated in south-eastern Europe on the Balkan Peninsula. Bulgaria borders on Romania, Serbia, the Former Yugoslav Republic of Macedonia, Greece and Turkey. It is flanked to the east by the Black Sea. Most of its northern border with Romania follows the Danube River.

2. Bulgaria's ancient history witnessed the Thracian and later the Greek and the Roman civilizations. The First Bulgarian Empire on the Balkan Peninsula was founded in 681 A.D. It dominated most of the Balkans and functioned as a cultural centre for Slavic people until early eleventh century. With the downfall of the Second Bulgarian Empire in 1396, its territories came under Ottoman rule for nearly five centuries. The Russo-Turkish war of 1877–1878 led to the establishment of the Third Bulgarian State. The following decades saw several wars of Bulgaria with its neighbours. Their settlement led to the loss of territories with predominant Bulgarian population, which prompted Bulgaria to align with Germany in both World Wars. In 1947, it became a republic with a single-party system. In 1989, Bulgaria commenced a transition to democracy and a market-based economy. After 2001, political, economic and social conditions improved significantly. Bulgaria became a member of NATO in 2004 and of the European Union in 2007. Bulgaria has been a member of the United Nations since 1955 and of the Council of Europe since 1991.

3. The geopolitical location and historical past of Bulgaria have had a major impact on the ethnic composition and religious affiliation of its population. Bulgaria is a country with more than eleven centuries of Christian tradition. Along with citizens of Bulgarian origin, citizens identifying their origin as Turkish, Romani, Armenian, Jewish, Vlachian, Karakatsanian, Russian, Greek and other live in the Republic of Bulgaria. The majority of the population (75.9 per cent) claim to be of the Eastern Orthodox confession.

4. The Constitution of the Republic of Bulgaria of 1991 guarantees the Rule of Law, the supremacy of International Law and the protection of fundamental human rights and freedoms. The Constitution stipulates that the international treaties which have been ratified in accordance with the constitutional procedure, promulgated and having come into force with respect to the Republic of Bulgaria, are part of the legislation of the State and have primacy over any conflicting provision of the domestic legislation.

5. Bulgaria is a Party to the core international instruments on human rights, to other United Nations human rights instruments and to the International Labour Organization (ILO) Conventions on labour rights. As a Member of the Council of Europe, Bulgaria is a High Contracting Party to more than 80 Council of Europe Conventions and Protocols. Since the entry into force of the Lisbon Treaty in 2009, the Charter of Fundamental Rights of the European Union is directly applicable to Bulgaria as an European Union Member State.

I. General information

A. Demographic, economic, social and cultural characteristics

6. The Republic of Bulgaria covers a total area of 110,993.6 km^2. Its total frontier is 2,245 km in length, of which 1,181 km are land borders, 686 km are frontier rivers and 387 km are coastline.

7. Geographically, Bulgaria is divided by the Stara Planina (the Balkan Range) mountains into two parts: northern, the Danube plain and southern, comprising the upper

Thrace lowland as well as several mountains and highlands including Rila, Pirin, Sredna Gora and the Rhodopes. Sixty per cent of the total area is covered by hills and mountains. The highest mountain is Rila at 2,925 m.

8. The climate is temperately continental and subtropical (Mediterranean) with four seasons. The average temperatures of the coldest part of the year (January-February) range from +1.1°C to +5.6°C in the plains and lowlands to below -7°C in the mountains. The average July-August temperatures are between +21°C and +26°C in the plains and lowlands and +8°C and +10°C in the mountains. The average annual temperature is +10.5°C.

9. The population number as of 31 December 2012 was 7,284,552, of which 3,545,073 (48.7 per cent) was male and 3,739,479 (51.3 per cent), female. Other demographic data include:

- The urban population was 5,307,868 (72.9 per cent of the total population); rural population was 1,976,684 (27.1 per cent);
- The crude birth rate (number of live born children per 1,000 persons of the average annual population during the year) was 9.5 per thousand and the crude death rate (number of dead persons per 1,000 persons of the average annual population during the year), 15.0 per thousand. As a result, the natural increase rate was -5.5 per thousand.
- The total fertility rate (average number of live born children per woman) in 2012 was 1.50 and the infant mortality per 1,000 live births, 7.8 per thousand;
- The life expectancy at birth, calculated for the period 2010-2012, was 74.0 years — 70.6 years for males and 77.6 years for females. The population mean age reached 42.8 years.
- According to the legislation, in 2012 at working age are women of up to 60 years and 4 months and men of up to 63 years and 4 months. The number of population at working age as of 31 December 2012 was 4,505,000 persons, or 61.8 per cent of the total population. The number of population over working age was 1,731,000 persons, or 23.8 per cent, and under working age were 1,048,000 persons, or 14.4 per cent of the country population.
- According to the 2011 census, the structure of population by ethnic groups is as follows:
    - Total 7,364,570
    - Bulgarian 5,664,624
    - Turkish 588,318
    - Roma 325,343
    - Russian 9,978
    - Armenian 6,552
    - Vlachs 3,684
    - Karakatsani 2,556
    - Ukrainian 1,789
    - Macedonian 1,654
    - Greek 1,379

- Jewish 1,162
- Romanian 891
- Other 19,659
- Not stated 53,391
- Not answered 683,590

10. The Constitution of Bulgaria stipulates that the official language of the Republic is Bulgarian and the study and use of the Bulgarian language shall be a right and an obligation of every Bulgarian citizen. Article 36 (2) of the Constitution provides for the right of everyone to study and use his/her mother tongue, when it is different from the official language; Article 53 (5) provides that citizens and organizations are free to found private schools. Under Article 54 (1) "Everyone shall have the right to develop his/her own culture in accordance with his/her ethnic self-identification, which shall be recognized and guaranteed by the Law".

11. The right to freedom of thought, conscience and religion is guaranteed under the Constitution, which stipulates that religious institutions are separated from the State and shall not be used for political ends. The new Bulgarian Law on Religion known as the Confessions Act 2002 entered into force on 1 January 2003, and replaced the Religious Denominations Act of 1949. The traditional religion in Bulgaria is Eastern Orthodox religion. However, after the beginning of the democratic changes in 1989, public interest in religion increased considerably and a number of new religious denominations and movements appeared, while the traditionally existing ones became more active. As a result, there are 117 religious communities officially registered in Bulgaria.

Table 1
Structure of the population by religion

Religion	*Total*	*Percentage*
Total	**7,364,570**	**100.0**
Eastern Orthodox	**4,374,135**	76.0
Catholic	**48,945**	0.8
Protestant	**64,476**	1.1
Muslim	**577,139**	10.1
- Muslim Sunnis	**546,004**	9.45
- Muslim Shiite	**27,407**	0.5
- Other Muslim	**3,728**	0.1
Armenian Apostolic	**1,715**	0.03
Jewish	**706**	0.01
Other	**9,023**	0.2
No religion	**272,264**	4.7
Not stated	**409,898**	7.1
Not answered	**1,606,269**	21.8

Source: 2011 census.

12. The economy of Bulgaria is operating on the principles of the free market, having a large private sector and a small public sector. Bulgaria is an industrialized upper-middle-income country according to the World Bank, with a gross national income per capita of

US$ 6,280 in 2010. It has experienced rapid economic growth in recent years, even though its income level remains the lowest within the European Union, with an average monthly wage of 731 leva (375 euros) in 2012[1]. Since 2001, Bulgaria has managed to attract considerable amounts of Foreign Direct Investment (FDI). During the Financial crisis of 2007-2010, Bulgaria marked a decline in its economy of 5.5 per cent in 2009, but restored its positive growth to 0.2 per cent in 2010.

13. The currency of the country is the lev (plural leva), pegged to the euro at a rate of 1.95583 leva for 1 euro.

14. The economic activity in the country is strongly influenced by the dynamics of the global economy. The revival remained mainly in export-oriented industrial companies and is accompanied by continuing restructuring in the company level, pointed at attaining higher labour productivity and productivity of the labour resource. At the same time, the improvement of the internal market is not yet tangible, as giving credit remains limited and unemployment relatively high. The process of budget consolidation promoted maintenance of [illegible] and macroeconomic stability.

15. In 2011, there was a somewhat delay in the annual downturn of the activity rate compared to the previous year (up to 4.2 per cent, while 4.7 per cent in 2010), stipulated by the delayed rate of industry employment, while in the services sector the downturn in employment increased annually. Increased search for labour-market in part of the export-oriented sectors (manufacture of machines and equipment and manufacture of electric equipment) couldn't compensate the continuous decrease in the number of those occupied in activities that are mainly dependent on the internal market.

16. By 2012, the nominal Gross Domestic Product (GDP) reached $50.78 billion, which represents a real growth of 0.8 per cent compared with the previous year. GDP per capita as of 2012 is $6,903 (nominal).

Table 2
Economic indicators

	Year					
Indicator	*1995*	*2001*	*2004*	*2008*	*2010*	*2012*
Inflation, measured by CPI, annual average rate	62.1%	7.4%	6.1%	12.3%	2.4% (4.2% – 2011)	3.0%
GDP growth	2.5%	4.2%	6.7%	6.2%	0.4% (0.8% – 2012)	0.8% Preliminary data
Industrial production growth	4.6%	2%	5.2%	1.5%	0.4% (5.9% – 2011)	
Central interest rate	50.1%	4.5%	2.5%	5.12%	0.2% (0.1% – 2012)	
Budget deficit	6.2%	1.1%	1.9%	1.7%	-3.1% (-2.0%)	

[1] Preliminary data

B. Constitutional, political and legal structure

1. The Constitution

17. Under the Constitution, Bulgaria is a Parliamentarian Republic. The Constitution stipulates that the entire power of the State shall derive from the people (Art. 1) . The latter shall exercise power directly and through the bodies established by the Constitution. No part of the people, no political party nor any other organization, State institution, or individual shall usurp the expression of the popular sovereignty.

18. Its Article 2 proclaims that "the Republic of Bulgaria is a unitary State with local self-government."

19. Article 4 stipulates that "The Republic of Bulgaria shall guarantee the life, dignity, and rights of the individual and shall create conditions conducive to the free development of the individual and the civil society."

20. Article 5 declares the Constitution the supreme Law of the country, and no other Law shall contravene it, and that the provisions of the Constitution shall apply directly.

21. The Constitution proclaims in Article 6 the equality before the Law principle for all Bulgarian citizens, expressly stating that all are born free and equal in dignity and rights; and there shall be no privileges or restriction of rights on the grounds of race, nationality, ethnic self-identity, sex, origin, religion, education, opinion, political affiliation, personal or social status, or property status."

22. Article 8 declares the principle of the division of power among the legislative, executive and judicial branches.

2. The Parliament / National Assembly

23. The Constitution proclaims that Bulgaria is a Parliamentary Republic with one chamber directly elected and permanently acting National Assembly (Parliament). The Parliament is vested with legislative authority and parliamentary control. It consists of 240 members elected for a four-year term. Every Bulgarian citizen of 21 or above, who does not hold another citizenship and is not under a judicial interdiction or is not serving a prison term, is eligible for Member of the National Assembly. While holding their seat, Members of Parliament cannot occupy a State post or engage in any activity defined in Law as incompatible with their status. They are considered to represent not only their constituencies but the entire nation and cannot be held criminally liable for their votes or opinions expressed in the National Assembly.

24. The Parliament is assisted in its work by standing or *ad hoc* commissions. The latter may also conduct inquiries and investigations. In any case, any official or citizen summoned by a Parliamentary commission is under the obligation to testify and present any document that may be required. With rare exceptions sessions of the National Assembly are held in public.

25. The Constitution stipulates that the Parliament may pass laws, resolutions, declarations and addresses. It adopts the State budget bill; establishes taxes; schedules the elections for President of the Republic; elects and dismisses the Prime Minister and on his/her motion the Members of the Cabinet; elects and dismisses the Governor of the National Bank and the heads of other institutions established by law; on a motion by the President or the Prime Minister introduces martial Law or a state of emergency; decides on the declaration of war and the conclusion of peace; grants amnesty, etc. It also ratifies or denounces by a Law certain international instruments having a political or military nature, or concerning Bulgaria's participation in the international organizations, or dealing with fundamental human rights, etc. Each parliamentary act is promulgated in the State Gazette.

26. According to the Bulgarian Constitution, the National Assembly could amend all provisions of the Constitution except those within the prerogatives of the Grand National Assembly. The Grand National Assembly has the right to adopt a new Constitution, to resolve on any changes in the territory of the Republic of Bulgaria and ratify any international treaty envisaging such a change, and to resolve on any changes in the form of State structure or form of Government, etc.

27. Since the adoption of the new Constitution, free and democratic general parliamentary elections have been held in October 1991, in December 1994, in April 1997, in June 2001, in June 2005, in July 2009 and in May 2013.

3. The President

28. The President of the Republic is elected by direct popular vote for five years, embodies the unity of the nation and represents the State in international relations. He is also the Head of State and does not belong to any of the three branches of Government — legislative, executive and judicial, but interacts with each of them. In his activities, the President is assisted by a Vice President. The Vice President is elected directly by the people on the same ballot-paper as the President and can exercise a limited range of constitutional powers expressly devolved by the President by a decree.

29. Eligible for President is any natural born Bulgarian citizen over 40 years of age and qualified to be elected to the National Assembly, who has resided in the country during the five years preceding the elections. The President and the Vice President cannot engage in any other State, public or economic activities or participate in the leadership of a political party. They are not to be held liable for actions committed in the performance of their duties except for high treason or a violation of the Constitution (in such cases the Constitution provides for a procedure of impeachment). No criminal proceedings can be initiated against them and they cannot be placed under detention.

30. The President has the right to address the nation and the National Assembly and is perceived as the unifier of the nation. In addition to elections for a National Assembly, the President shall schedule the elections for Members of the European Parliament from Bulgaria and for Local Government authorities in accordance with the terms and conditions of the Election Code. He has the right to initiate legislation to amend the Constitution; participates in the legislative process by promulgating Laws; participates in the procedure for forming a Government; may conclude international agreements on behalf of the state after consultation with the Council of Ministers; accepts the credentials and letters of recall of foreign diplomatic representatives in the country; he is the Commander-in-Chief of the armed forces in peace and in war and declares a state of war in the event of an armed attack against the country, when the National Assembly is not in session. He presides over the Consultative National Security Council; appoints a caretaker Government, appoints a Prime Minister, dissolves the National Assembly; returns a bill to the National Assembly for further debate. The President issues decrees, addresses and appeals.

31. Since the adoption of the 1991 Constitution, presidential elections have been held in October 1991, in October/November 1996, in November 2001, in October 2006 and in October 2011.

4. The Council of Ministers

32. The Council of Ministers directs and conducts State's domestic and foreign policy; ensures the public order and national security and exercises overall guidance over the state administration. It also informs the National Assembly on issues concerning the obligations of the Republic of Bulgaria resulting from its membership in the European Union.

33. The Council of Ministers consists of a Prime Minister, Deputy Prime Ministers and ministers. The Prime Minister is to head, coordinate and bear responsibility for the overall policy of the Government. He/she also appoints and dismisses deputy ministers. Usually, each Member of the Council of Ministers heads a ministry. The Constitution, however, provides for exception to this rule if the National Assembly so decides.

34. Eligible for election to the Council of Ministers is any Bulgarian citizen qualified to be elected to the National Assembly. Members of the Council of Ministers cannot hold posts or engage in any activity incompatible with the status of a Member of Parliament.

35. The Council of Ministers adopts decrees, directives, and decisions. By decree, the Council of Ministers adopts regulations and ordinances. In accordance with its relevant constitutional provisions it manages the implementation of the state budget; organizes the management of the state's assets; concludes, confirms or denounces international treaties when authorized to do so by Law, etc.

36. In accordance with the Constitution, the authority of the Government expires upon a vote of no confidence on the Council of Ministers or the Prime Minister, the resignation of the Government or the Prime Minister or the latter's death. After parliamentary elections, the outgoing Council of Ministers submits its resignation to the newly elected National Assembly. In any case, the outgoing Government continues to act until the election of a new Council of Ministers.

37. The Constitution provides for the possibility of establishing a caretaker Government. This might happen if following consultations of the President the biggest, the second largest and one of the minor parliamentary groups consecutively fail to form a Government within the period established by Law (seven days per parliamentary group). In the case of such a lack of agreement, the President shall appoint a caretaker Government, dissolve the National Assembly and schedule new parliamentary elections. Caretaker Governments were appointed on 17 October 1994, 12 February 1997 and 13 March 2013.

5. The Judiciary

38. An important principle of the State based on the rule of Law is the independence of the Judiciary. Within the constitutional system of Bulgaria based on the division of powers, the judicial branch is given a particularly strong position. The Judiciary is to safeguard the rights and the legitimate interests of all citizens, legal entities and the State. This obligation is confirmed in the legislation on the courts of Law and the Prosecutor's Office and is common to all institutions of the Judiciary within the framework of their competence. In exercising their judicial power in the name of the people, all judges, prosecutors and investigating magistrates while performing their functions are politically neutral and subservient only to the Law. They enjoy the same immunity as the Members of the National Assembly.

39. In the Republic of Bulgaria, justice is administered by the Supreme Court of Cassation, the Supreme Administrative Court, courts of appeal, district courts, military courts, and regional courts. There shall be no extraordinary courts; specialized courts, however, can be established. The courts are to secure transparency, accessibility and perspicuity of their actions. They interact with the legislature and the executive power for comprehensive and complete safeguard of the rights of citizen and legal entities and realizing the criminal politics of the state.

40. Legal authority is exercised by judges, jurymen, prosecutors and investigating magistrates. Judiciary includes also The Prosecutor's Office and judicial inquiry. As provided in Article 128 of the Constitution, investigating authorities are included in the Judiciary system.

41. The Prosecutor's Office ensures observation of legality by bringing charges against criminal suspects and supporting charges in common criminal trials, by overseeing the enforcement of penalties and other measures of compulsion, by acting for the rescission of illegal acts and by taking part in civil and administrative suits whenever required to do so by Law.

42. Justices, prosecutors and investigating magistrates are elected, promoted, demoted, reassigned and dismissed by the Supreme Judicial Council. The SJC is chaired by the Minister of Justice and consists of 25 members.

43. Since 2007, legislative and institutional conditions have been established for the effective enforcement of the European Union legislation.

6. The Constitutional Court

44. The Constitutional Court is composed of twelve members, one third of which are elected by the National Assembly; one third are appointed by the President and one third are elected by the General Meeting of the justices of the Supreme Court of Cassation and the Supreme Administrative Court. They are elected/appointed for a nine-year term and cannot be re-elected or reappointed. Eligible for membership in the Constitutional Court are Bulgarian citizens who have no other citizenship and who meet the requirements of being jurists of high professional and moral integrity and with at least fifteen years of professional experience. The status of the Members of the Constitutional Court is incompatible with a representation mandate, or any State or political post, or membership in a political party or trade union, or with the practising of a free, commercial, or any other paid occupation. The Members of the Constitutional Court enjoy the same immunity as Members of the National Assembly.

45. The Constitution vests the Bulgarian Constitutional Court to provide binding interpretations of the Constitution. The second substantial competency of the Court is to rule on challenges to the constitutionality of the Laws and other acts passed by the National Assembly and the acts of the President. Such control is in fact the Constitutional Court's major competency. Also the Constitutional Court rules on the compatibility of domestic Laws with the universally recognized norms of International Law and the international instruments to which Bulgaria is a party. Further the Constitutional Court rules on challenges of the constitutionality of political parties and associations, on challenges to the legality of the election of the President and Vice President or of a Member of Parliament. The Constitutional Court shall rule on impeachment brought by the National Assembly against the President or the Vice President for treason or violation of the Constitution.

46. The Constitutional Court cannot act on its own initiative; it becomes active only on an initiative from at least one fifth of the Members of the Parliament, the President, the Council of Ministers, the Supreme Court of Cassation, the Supreme Administrative Court or the Chief Prosecutor. The Ombudsman can communicate to these organs its opinion on the need for the Constitutional Court to be seized of the constitutionality of a particular international treaty on human rights before its ratification.

7. Non-Profit legal entities

47. The conditions for Constitution, registration, the structure, the activity and the termination of the non-profit corporate bodies are settled in the Non-Profit Legal entities Act. The non-profit legal entities are associations and foundations. The non-profit legal entities freely determine their goals and can identify themselves as organisations carrying out activities to the public or private benefit. The determination can be made by the statutes, the constituting act or by amendments in them. The determination of carrying out a socially useful activity is irrevocable after the entering of this circumstance in the register of the

non-profit legal entities in the region of the district court at the headquarters of the non-profit legal entity. The non-profit legal entities determined for carrying out socially useful activity are subject to entry, upon their establishment, in a special Central Register at the Ministry of Justice.

48. The state can support and encourage the non-profit legal entities registered in the central register in carrying out socially useful activity through tax, credit interest, customs and other financial and economic relief, as well as financing, under conditions and by an order determined by the respective special laws.

II. General framework for the protection and promotion of human rights

A. Acceptance of international human rights instruments

49. As a member of the United Nations since 1955, the Council of Europe since 1992, and of the European Union since 2007, Bulgaria subscribes to the highest standards in the field of human rights and has ratified the core international human rights treaties. The Bulgarian Constitution of 1991 and the relevant national legislation ensure enhanced protection of human rights in accordance with the highest international standards.

50. Article 5, paragraph 4 of the Constitution provides that international treaties which have been ratified in accordance with the constitutional procedure, promulgated and having come into force with respect to the Republic of Bulgaria, are part of the Bulgarian legislation have primacy over any conflicting provision of the domestic legislation.

51. With the entry into force of the Lisbon Treaty in 2009, Bulgaria is bound also by the high standards and aspirations enshrined in the Charter of Fundamental Rights of the European Union.

52. Chapter Two of the Constitution, entitled "Citizens' Fundamental Rights and Obligations" (Arts. 25 to 57), lays down the fundamental political, civil, economic, social and cultural rights of citizens. The Constitution provides the required legal guarantees for the protection and enjoyment of human rights and fundamental freedoms.

53. The legal framework of Bulgaria on protection and promotion of human rights is based on the core United Nations international instruments of human rights, in particular the Universal Declaration of Human Rights; the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment and its Optional Protocol; the Convention on the Rights of the Child and its two Optional Protocols (the Optional Protocol on the involvement of children in armed conflict and the Optional Protocol on the sale of children, child prostitution and child pornography); the Convention on the Rights of Persons with Disabilities; the United Nations Convention against Transnational Organized Crime and its two Protocols (the Protocol against the Smuggling of Migrants by Land, Sea and Air and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children) and numerous ILO Conventions. Since 2006, Bulgaria has been a party to the United Nations Convention against Corruption, which is considered a major international instrument in the fight against corruption.

54. As a Member of the Council of Europe, Bulgaria is a High Contracting Party to more than 80 Council of Europe conventions and protocols, in particular the Convention for

the Protection of Human Rights and Fundamental Freedoms and its protocols (Protocols Nos. 1, 2, 3, 4, 5, 6, 7, 8, 11, 13 and 14 and has signed Protocol 15), the Framework Convention for the Protection of National Minorities, the European Social Charter (revised) as well as the Council of Europe Convention on Action against Trafficking in Human Beings.

55. The Framework Convention for the Protection of National Minorities has been ratified by Bulgaria with the following declaration: "Confirming its adherence to the values of the Council of Europe and the desire for the integration of Bulgaria into the European structures, committed to the policy of protection of human rights and tolerance to persons belonging to minorities, and their full integration into Bulgarian society, the National Assembly of the Republic of Bulgaria declares that the ratification and implementation of the Framework Convention for the Protection of National Minorities do not imply any right to engage in any activity violating the territorial integrity and sovereignty of the unitary Bulgarian State, its internal and international security".

56. Bulgaria is a founding Member of the Council of Europe Group of States against Corruption (GRECO).

57. Bulgaria has been very active in the United Nations bodies dealing with human rights, the General Assembly, the Third Committee, the Human Rights Council, the Economic and Social Council, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Racial Discrimination, the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on Elimination of Discrimination Against Women and the Committee Against Torture. For the 68th Session of the United Nations General Assembly Bulgaria was elected President of the Third Committee.

58. Bulgaria ratified the Convention on the Rights of Persons with Disabilities in 2012 (Official Gazette of the Republic of Bulgaria No. 12/2012) and in 2012 the Council of Ministers adopted an Action Plan (2013–2014) to bring the Bulgarian legislation in conformity with the provisions of the Convention. Information campaigns on the provisions of the Convention in collaboration with the NGOs have been already started in the numerous Bulgarian cities.

59. Bulgaria ratified both the Convention relating to the Status of Refugees and the Convention on the Reduction of Statelessness in 2012. Bulgaria confirms its commitment to consider ratifying the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, and inter-departmental discussions are under preparation.

60. The commitment of Bulgaria to ratify the International Convention for the Protection of All Persons from Enforced Disappearance was confirmed at the high-level meeting on the Rule of Law in September 2012 and the preparation of the ratification is dealt with in an inter-institutional working group.

61. In September 2012, Bulgaria submitted its candidature for membership in the United Nations Human Rights Council in the period 2019–2021 and is in the course of running an active diplomatic campaign in support of this candidature.

B. Legal framework for the protection of human rights at the national level

62. Bulgarian national legislation on human rights has incorporated the norms and principles of the international human rights instruments to which the country is a party. They form an integral part of Bulgarian legislation. In addition to the Acts of Laws in the area of civil and political rights, a number of other Acts of Law on economic and social

rights, such as the Labour Code, the Employment Promotion Act, the Social Insurance Code, the Health Insurance Act, the Public Education Act, the Higher Education Act, etc., recognize and expressly regulate the fundamental economic, social and cultural rights under the respective International Covenant.

63. New Laws in the social sphere were adopted: the Social Insurance Code of 2000, the Economic and Social Council Act of 2002, the Employment Promotion Act of 2002, the Act on Factory and Office Workers' Claims (guaranteed in the event of the employer's bankruptcy) of 2005, the Health Act of 2005.

64. Important amendments were introduced in other social Laws, such as the Labour Code, the Settlement of Collective Labour Disputes Act, and the Health and Safety at Work Act. The amendments aimed at bringing the Laws into full conformity with the provisions of the International Covenant on Economic, Social and Cultural Rights, the ILO conventions, the relevant Council of Europe conventions and European legislation.

65. Bulgaria has recognized the compulsory jurisdiction of the International Court of Justice.

Access to justice and remedies

66. Every Bulgarian citizen enjoys free and unrestricted access to justice. The Civil Procedure Code provides for the types of courts that are competent to hear civil cases. The procedure takes place in three instances. At each instance, court the proceedings take usually one to one and a half year. In civil cases, a state fee is to be paid by the applicant for the proceedings to be opened and in most of the cases it is the equivalent of four percent of the claimed compensation.

67. According to the Legal Aid Act and Civil Procedure Code, applicants are entitled to legal aid for their representation in civil cases, which would include discrimination cases. In principle, the Legal Aid Act provides that legal aid might be provided in civil cases when evidence from the relevant authorities are presented to prove that the party has not financial means to pay for legal aid. The court takes into account the income of the person or the family, property status certified with a declaration, family, healthcare and employment status, age and other circumstances. The court specifies the type and scope of the legal aid granted in its ruling. The latter has effect as from the submission of the application, unless the court decrees otherwise. In practice, most of the reviewed discrimination cases were initiated and led by attorneys-at-law who work for human rights NGOs and provide in principle *pro bono* legal aid to the applicants.

68. Legal aid is not provided for the parties in non-judicial procedure before the equality body, the Protection Against Discrimination Commission. The fees for the procedure before the equality body as well as the expenses are paid by the state budget.

69. Under Bulgarian law, the civil courts can award compensation for damages. There is no maximum amount of compensation. The courts can award any amount that is fair. The courts can make a declaration of discrimination and award compensation for damages, as well as order the respondent to take remedial action, or to refrain from or terminate particular action or inaction found to be in breach of the law. The equality body, too, can make a finding of discrimination, and order preventive or remedial action. Under the Protection Against Discrimination Act, the equality body has power to impose financial sanctions between the equivalent of 125 and 1.250 euros. These sanctions are administrative fines and are not awarded to the victim as compensation but go to the state budget.

C. Framework within which human rights are protected at the national level

70. The national institutional framework for the protection of human rights and fundamental freedoms rests with the administrative, legislative and judicial branches of power.

1. National Assembly and its Commissions

71. The human rights issues are dealt with by the Parliamentary Commissions of the National Assembly: the Commission on Legal Affairs; the Commission on Labour and Social Policy; the Commission on Children, Youth and Sport; the Commission on Interaction with Civil Organizations and Movements; the Commission to Combat Corruption, Conflict of Interests and Parliamentarian Ethics; and the Commission on Culture and Media.

2. Constitutional Court

72. The Constitutional Court is vested with the powers to provide binding interpretations of the Constitution itself, to control the constitutionality of the Laws and other acts taken by the National Assembly, as well as the acts by the President of the Republic, to pronounce itself on the consistency of any international treaties signed by the Republic of Bulgaria with the Constitution prior to their ratification, as well as on the consistency of any domestic Laws with the universally recognized standards of international Law.

73. Applying strictly and consistently the provisions of the Constitution, the Court guarantees the protection of fundamental rights and freedoms in Bulgaria. The Court has rendered consistent decisions in defence of human rights and legal interests of the Bulgarian citizens, separation of powers, inviolability of private property, freedom for economic initiatives, independence of the mass media and prohibition of any censorship.

3. Courts

74. Under Article 117 of the Constitution, the Judiciary shall protect the rights and legitimate interests of citizens, legal persons and of the State. Article 10 of the Judiciary Act states that civil and penal judicial proceedings are conducted by a three-stage system (first instance, appeal and cassation). There is a two-stage system for administrative judicial proceedings.

75. The Bulgarian court system comprises Regional Courts, District Courts, Courts of Appeal, and Supreme Courts (Supreme Court of Cassation and Supreme Administrative Court).

76. Courts of Appeal hear appeals against decisions delivered by District Courts, while District Courts hear appeals against rulings of Regional Courts. The Supreme Court of Cassation hears appeals against second instance judgments.

77. Claims in respect of administrative acts (e.g. disputes with local and central administration, licenses, residence permits, real estate matters, etc.) are brought before the Administrative Courts, which act as courts of first instance. The decisions of the Administrative Courts may be appealed before the Supreme Administrative Court.

78. The Supreme Court of Cassation and the Supreme Administrative Court are entitled to issue interpretative decisions aimed at providing final solutions where disputes as to the application of certain statutory provisions arise, and at eliminating and preventing inconsistencies and contradictions in the judicial practice.

4. Public Prosecutor's Office

79. The Public Prosecutor's Office of Bulgaria is part of the Judiciary and its structure is in compliance with that of the courts. It oversees the rule of Law and administrates criminal investigations. Prosecutors have the right to initiate criminal proceedings on their own initiative in cases of alleged offences or crimes.

80. The Prosecutor General supervises legality and provides methodological guidance of the activity of all prosecutors and may seize the Constitutional Court.

5. Ombudsman of the Republic of Bulgaria

81. The institution was established under the Ombudsman Act (promulgated in the State Gazette, No. 48 of 23 May 2003, entered in force on 1 January 2004), with the mandate of being public defender, as an additional form of protection of citizens' rights and freedoms. Under the 2006 amendments to the Constitution, the status of the Ombudsman was raised to a constitutional level thereby further strengthening his/her independence. The amendments expanded also the Ombudsman's possibilities for effective defence of citizens. The Ombudsman was empowered to seize directly the Constitutional Court on matters concerning Laws in contravention and violation of basic human rights and freedoms.

82. The Ombudsman shall be elected by the National Assembly by secret vote.

83. The Ombudsman is independent in his/her activities and is accountable only to the Constitution, the Laws and the international treaties ratified by the Republic of Bulgaria.

84. The Ombudsman: shall consider and investigate complaints and signals about violations of rights and freedoms by State and municipal organs and persons authorized to perform public functions or render public service; take actions in such cases when his/her involvement is indispensable in defence of human rights and freedoms; inform the prosecutor's office of results in investigations which contain data for committed crimes; propose legal changes to the President of the National Assembly and to the Prime Minister concerning certain provisions where investigations of complaints and signals have proved enough grounds for violations of human rights and freedoms; express positions and opinions about respect for human rights and freedoms, including the Ombudsman's right to be heard by the National Assembly; request interpretative opinions by the General Assembly of the colleges of the Supreme Court of Cassation and the Supreme Administrative Court; submit annual reports to the National Assembly, as well as special reports on specific cases.

85. The Ombudsman shall also mediate between administrative bodies and the persons concerned with a view to remedy and remove violations. Complaints to the Ombudsman may be presented by any natural person irrespective of his/her citizenship, sex, political affiliation or religion. Representatives of the non-profit legal entities pursuing activities for public benefit, as in the area of protection of human rights, could also present complaints to the Ombudsman.

86. The Ombudsman's activities focus on several main directions, namely, investigation of individual complaints and signals by citizens, investigation of cases which cause wide public reaction, maintaining systematic watch on, and control over, the respect for and observance of human rights within the penitentiary system.

87. The Ombudsman's institution has established itself as an active factor in the protection of citizens' rights, and as a proponent for improving administrative practices as well.

88. In 2011, the Ombudsman has formally undertaken requisite steps before the International Coordination Committee of the National Institution for Protection of Human

Rights pursuant to the Paris Principles, for accreditation in accordance with the Paris Principles. In October 2011, the Accreditation Bureau of the International Coordination Committee accredited the Ombudsman of the Republic of Bulgaria with statute "B".

89. In conformity with Article 17 of the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, the National Assembly of the Republic of Bulgaria in March 2011 adopted amendments to the Law on Ombudsman related to the designation of the Ombudsman of the Republic of Bulgaria as a National Preventive Mechanism (NPM). A new Chapter has been added to the Law on Ombudsman which provides for the competence of the Ombudsman of the Republic of Bulgaria as a National Preventive Mechanism. The functions of the Ombudsman as NPM are facilitated by the establishment of a new Directorate of National Preventive Mechanism and Fundamental Human Rights and Freedoms has been established in the Office of the Ombudsman of the Republic of Bulgaria on 1 June 2012.

6. Commission for Protection against Discrimination

90. The Commission for Protection against Discrimination was established under the Protection against Discrimination Act (promulgated in the State Gazette, No. 86 of 30 September 2003, entered in force on 1 January 2004).

91. The Commission comprises 9 members, at least four of them jurists. The National Assembly shall elect five of the members, including the Commission's Chairperson and Deputy Chairperson. The President of the Republic shall appoint four of the members. The mandate of the Commission members is five years. In the process of election or appointment of Commission members, the principles of balanced participation of women and men and participation of persons belonging to ethnic minorities shall be respected. The present membership of the Commission consists of five women and four men. Four of the members belong to other than Bulgarian ethnicity.

92. According to the Act, the Commission is an independent specialized state organ for prevention of discrimination, protection against discrimination and ensuring equal opportunities. The Commission shall exercise control over the implementation and compliance with the Act and other Laws regulating equality of treatment.

93. The mandate of the Commission includes: establishing violations of the Act or other Laws regulating equality of treatment; issuing decree measures for prevention; imposing sanctions and applying administrative compulsory measures; issuing obligatory prescriptions for compliance with the Act and other relevant Laws; appealing against administrative acts which are in contravention to the Act and other Laws; initiating claims before the court and making proposals and recommendations to State and municipal authorities to terminate discriminatory practices and repeal their acts issued in contravention to the Act; commenting on draft normative acts; issuing statements on the conformity of the legal act drafts with the legislation for prevention of discrimination, as well as recommendations for adopting, revoking, amending and supplementing legal acts; providing independent assistance to victims of discrimination by submitting complaints about discrimination; conducting surveys.

94. Article 4 of the Act lists 19 grounds of discrimination, viz. gender, race, nationality, ethnic origin, citizenship, origin, religion or belief, education, opinion, political affiliation, personal or public status, disability, age, sexual orientation, marital status, property status and genetic characteristics. The list is non-exhaustive because the same article also stipulates that "…any other grounds, established by the Law, or by international treaties to which the Republic of Bulgaria is a Party" shall be taken into account.

95. Proceedings before the Commission can be initiated on the basis of a complaint by a victim of discrimination, or by a signal from natural persons or legal entities, or by the

Commission itself. The proceedings before the Commission are free of charge. An important step in the process of establishment of the violation is the reversed burden of proof, introduced by this act.

7. National Council for Cooperation on Ethnic and Integration Issues

96. Pursuant to Decree No. 92/2011 of the Council of Ministers on the amendment of previous related regulations of the Council of Ministers (promulgated in the State Gazette, issue No. 31 of 2011) in April 2011, responsibility for all activities related to the ethnic and integration issues was transferred from the Ministry of Labour and Social Policy to the Administration of the Council of Ministers. To this end, the consultative and coordinative functions on ethnic and integration issues were entrusted entirely to the National Council for Cooperation on Ethnic and Integration Issues (NCCEII).

97. The role of the NCCEII is to support the formation of a stable and consistent policy aimed at resolving the basic problems of Bulgarian citizens belonging to ethnic communities, ensuring interrelation and coordination between the policies of integration. Particular attention is focused on the Roma. The Government broadened the scope of the NCCEII functions regarding its representation in international institutions and the coordination of the international initiative "Decade of Roma Inclusion 2005-2015". The Chairperson of the NCCEII, who is the Deputy Prime Minister, is also the National Coordinator of the initiative.

98. The NCCEII members include representatives of all ministries at the level of deputy minister, some governmental institutions represented by their chairpersons, as well as the head of National Statistical Institute, representative of the Bulgarian Academy of Sciences and the National Association of Municipalities in Bulgaria. More than 40 of the NGOs, created by citizens belonging to ethnic minorities (Roma, Turkish, Jewish, Villach, Armenian, Karakachan, Tatar and Aromanian) or working in favour of integration of ethnic minorities, are also among the NCCEII members.

8. State Agency for Child Protection

99. The State Agency for Child Protection was established in 2000 under the Child Protection Act by Council of Ministers Decree No. 226 of 30 October 2000. In accordance with the Act, the Agency is a specialized body of the Council of Ministers for guiding, coordinating and monitoring the implementation of the state policy for child protection. There is also a National Council on Child Protection headed by the Agency's Chairperson and members — deputy ministers of the child protection bodies, NGOs and other institutions concerning child rights.

9. National Council on Gender Equality

100. The Council has been created within the Council of Ministers with consultative functions. It is headed by the Minister of Labour and Social Policy and its members are deputy ministers, heads of agencies and representatives of the social partners. NGOs working in the field of gender equality are also included.

10. National Commission to Combat Trafficking in Human Beings

101. The National Commission to Combat Trafficking in Human Beings was established under the Combating Trafficking in Human Beings Act. The Commission is a collective body with the Council of Ministers. The Commission is chaired by a deputy prime minister. The main responsibilities of the Commission are to develop, manage, coordinate and supervise the implementation of the national policy and strategy; to organize and coordinate the interaction among various ministries and organizations in applying the Law; to analyze

and record statistical data on human trafficking; to conduct information, awareness and educational campaigns; to protect and reintegrate the victims of human trafficking; to suggest legal amendments. Every year the Commission prepares a national programme, adopted by the Council of Ministers. Under the Commission there are five local commissions, two shelters for temporary accommodation of victims of trafficking and three informational centers.

102. Bulgaria has ratified all relevant international conventions on combating trafficking in human beings. The national legislation is fully synchronized with international requirements. This includes an amendment to the Penal Code in April 2009 harmonizing Section IX "Trafficking in Human Beings" with Article 19 of the Council of Europe Convention against Trafficking in Human Beings.

103. Bulgaria has set up a national referral mechanism for victims of trafficking as well as a transnational referral mechanism to refer victims across countries. In cases of child trafficking, there is a coordination mechanism for referral of minors.

11. Council for Electronic Media

104. The Council comprises of five members: three of them are appointed by the National Assembly and the rest by the President. The mandate of the Council is six years.

105. The Council for Electronic Media carries out regular supervision of the programs of media service providers and considers with priority possibly sexist advertisements and messages inciting xenophobia and intolerance.

106. Where cases of gender inequality and discriminatory treatment are detected, CEM works in close cooperation with the Commission for Protection against Discrimination (CPD). In line with the recommendations of the Committee on the Elimination of Discrimination against Women, in 2013 a focused monitoring was held of the activities of certain media service providers,but no evidence was found of any inequality or discriminative attitude towards women in the monitored programmers.

12. National Council for Assistance and Compensation to victims of crime, including human trafficking

107. The National Council for Assistance and Compensation to victims of crime, including human trafficking, has been established. Victims are entitled to free legal aid and compensation can be sought in criminal and civil proceedings.

108. In partnership with local authorities, academic institutions and NGOs, various information campaigns have been launched to raise public awareness on human rights, to develop mechanisms for confinement of human trafficking and to create public intolerance to the phenomenon within the risk groups of the population — women, children, ethnic minorities, unemployed and people on social aid. Special trainings for 180 teachers on conducting interactive discussions on human trafficking were carried out within the campaign "Human trafficking — time for action" (October 2011). Seminars for students in Sofia have been also organized.

13. Dissemination of the human rights instruments

109. Official Bulgarian translation of the texts of all international instruments, ratified under Article 85 (1) of the Constitution, as well as all domestic legal acts including the text of the Constitution and the decisions of the Constitutional Court, are promulgated in the Official State Gazette.

110. A United Nations Information and Documentation Centre, established within the National Library, is providing access to a number of United Nations documents. Official United Nations publications are also available through the Ministry for Foreign Affairs.

111. The Ministry of Foreign Affairs, the Ministry of Justice, the Ministry of Labour and Social Policy and other ministries regularly issue and distribute a wide range of printed and electronic materials on the protection of human rights.

112. Information on the interactive dialogue with Bulgaria as part of the universal periodic review procedure, which took place on 4 November 2010, was published on the website of the Ministry of Foreign Affaires of the Republic of Bulgaria together with the exhaustive list of the received recommendations and the response to them by the Government.

113. Recommendations received during the Considerations of the national reports presented to the United Nations human rights treaty bodies are being published on the website of the ministry in lead of the implementation of the respective international human rights instrument.

14. Raising human rights awareness among public officials and other professionals

114. Appropriate education and training in human rights continued to be provided by the Academy of the Ministry of Interior (MoI) and the National Institute of Justice (NIJ). Police officers are acquainted with the decisions of the European Court on Human Rights in the framework of the discipline "Human Rights Protection".

115. The subject of human rights has been present in all full-time curricula of the NIJ for initial and continuing training of magistrates since 2003.

116. The rights of victims of violence and the implementation of the Law for protection from domestic violence have been identified as problematic fields requiring particular attention.

117. Since 2013, the implementation of the project "Increasing the capacity of the judiciary and training on the ECHR at the NIJ" has been launched.

118. The IPD and the NIJ prepared the compilation "Case Law Regarding the Application of the Protection against Discrimination Act", which has been distributed among magistrates and law-enforcement officers.

119. The topic of hate crimes prevention is integrated in the curriculum of the MoI Academy. A manual has been drafted on the topic of hate crimes to be used by the trainers for on-the-job vocational training of officers within the MoI structures.

120. In accordance with the National Strategy of the Republic of Bulgaria for Roma Integration (2012–2020) training of police officers in minority-related issues has been provided.

121. A Memorandum of Understanding has been signed between MoI and the Office for the Democratic Institutions and Human Rights of OCCE, which envisages the organization of training in the field of combating hate crimes.

Education in Human Rights in the general school system

122. Formal civic education in Bulgarian schools is based on the Universal Declaration of Human Rights, the Convention of the Rights of the Child, the European Convention for the Protection of Human Rights and Fundamental Freedoms, the European Reference Framework for Key Competences, etc.

123. According to the State Education Requirements for civic education, human rights are regarded as a basis for the overall personal development of youth, in view of their social realization.

124. Non-formal education contributes largely to enriching students' practical experience in the functioning of human rights principles, including the National Programme "The School — Students' Territory".

125. The importance of forming positive attitudes towards fellow citizens belonging to all ethnic groups, and of addressing any prejudices in this regard, is well recognized in Bulgarian society. Issues pertaining to prevention of racial discrimination are included in senior high school curricula as part of general educational subjects.

D. Reporting process at the national level

126. In December 2013, a National Coordination Mechanism on Human Rights (NCM) was established by a decision of the Government. The main task of the NCM shall be to improve the coordination of activities on the reporting to the monitoring human rights bodies and on the implementation of recommendations contained in reports of relevant United Nations committees, as well as of the Council of Europeand the European Union.

127. The recommendations issued by the United Nations treaty bodies are subject to extensive and inclusive inter-institutional consideration. For the purposes of these considerations, numerous consultative settings such as councils, commissions and working groups have been established, covering the main international human rights instruments. Members of these councils are representatives of all ministries and state agencies of independent state institutions on human rights, and of the relevant NGOs. The members of the National councils examine the recommendation of the respective United Nations treaty bodies and develop National plans for the implementation of these recommendations. The National plans are subject to adoption by the Government and include both legislative and administrative measures, required for the implementation of the recommendations.

128. The Government attaches particular importance to its cooperation with the NGOs in the field of human rights. The NGOs have actively participated in the process of drafting the national reports on the implementation of the United Nations core international instruments on human rights, the report of Bulgaria for its first Universal Periodic Review (UPR) and of the voluntary Mid-term UPR Report. They are regularly invited to present their comments and suggestions on the national reports of Bulgaria before the periodical submission of these reports to the monitoring bodies of the United Nations human rights treaties.

129. The NGOs are permanent members in the following national consultative settings: National Council on Equality between Women and Men with the Council of Ministers (NCEWM); National Council for Child Protection (NCCP); National Commission for combating trafficking in human beings (NCCTHB); National Commission on Narcotic Drugs (NCND); National Committee on Prophylactics of AIDS and STD; National Council for Cooperation on Ethnic and Integration Issues (NCCEII).

130. Other institutions for the protection of human rights such as the Ombudsman, the Commission for Protection against Discrimination, the NCCEII, the State Agency for Child Protection, the Agency on Protection of the Rights of Disabled Persons, the National Council on Gender Equality and the National Commission to Combat Trafficking in Human Beings also issue and distribute a wide range of printed and electronic materials on protection of human rights.

E. Other related human rights information

131. The human rights policy pursued by Bulgaria is part of a wider European Union drive to promote and defend human rights. Human rights, democracy and the rule of law are core values of the European Union, enshrined in its founding treaty and reinforced by the Charter of Fundamental Rights of the European Union. Bulgarian policy is part of the European Union Common policy and follows its fundamental document — the European Consensus on Development.

132. Bulgarian policy is also based on the development objectives agreed at the multilateral level, with the focus on sustainable human development and combating poverty, including within the framework of the Millennium Development Goals.

133. In its first report on the Millennium Development Goals, Bulgaria set the following aims (to be met by 2015): gender equality in economic and social fields, in professional and family duties, in decision-making, in development and in the sphere of security, as well as eliminating violence on grounds of sex and trafficking in human beings and overcoming various existing social stereotypes.

134. In the context of multilateral cooperation, Bulgaria participates in the European Development Fund, a major instrument of financial support to the developing countries in the Africa, Caribbean and Pacific regions.

135. The regions that struggle with instability and countries in transition from the Balkans, the Black Sea region, the Mediterranean region and the Middle East are seen as a priority in Bulgarian development policy.

136. Republic of Bulgaria supports and financially contributes to organizations and agencies working in the field of human rights, such as the United Nations Educational Scientific and Cultural Organization, the United Nations Children's Fund , the Food and Agriculture Organization, the United Nations Conference on Trade and Development, and the World Health Organization, and makes financial contributions to international financial institutions such as the Black Sea Trade and Development Bank, the International Bank for Reconstruction and Development and the International Financial Corporation.